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HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition (s) No. 1595 of 2007

Petitioner	Ramlal, S/o. Kanhaiyalal Soni Aged about 66 years, Resident of Rohit Kirana Store, College Road, Brahman-para Rajnandgaon (C.G.)
	Versus
Respondents	1. Chhattisgarh Infrastructure Development Corporation (C.I.D.C.), Through : Managing Director (Transport Section), Raipur (C.G.)
	2 State Industrial Court Chhattisgarh, Raipur (C.G.)
	3 Labour Court, Rajnandgaon, District Rajnandgaon (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Justice Shri Satish K. Agnihotri

Present: Mr. Abhishekh Sharma, counsel for the petitioner.
Mr. Goutam Bhaduri, counsel for the respondent No. 1.

ORDER

(Passed on this 19th day of April, 2007)

1. In this petition, the petitioner has claimed interest at the rate of 18% on the delayed payment of gratuity amount. Admittedly, the petitioner retired from service on superannuation on 31.7.2000. Sub-section (3) of Section 7 of the Payment of Gratuity Act, 1972 (for short 'the Act, 1972') provides that the employer shall arrange to pay the amount of gratuity within thirty days from the date it becomes payable to the person to whom the gratuity is payable.

2. Accordingly, the amount of gratuity ought to have been paid on or before 31.8.2000, but the same was paid to the petitioner on 30.6.2005. As per sub section (3A) of Section 7 of the Act, 1972, the petitioner is entitled to simple interest on the delayed payment of gratuity amount.

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3. In view of clear and unambiguous provisions, contained in Section 7 of the Act, 1972, the petitioner is entitled to payment of interest for delayed payment. In the event, the respondent No. 1 finds that the delay was occasioned due to the fault of the employee, the same should also be considered, while determining the interest payable to him.

4. The respondent No. 1 is accordingly directed to make the payment of interest @ 6% per annum in accordance with the provisions of sub-section (3A) of Section 7 of the Act, 1972, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above observation, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

B/-